

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5345 of 1995

AND

SPECIAL CIVIL APPLICATION No 6866 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

R J THAKORE

Versus

STATE OF GUJARAT

Appearance:

TANNA ASSOCIATE for Petitioners

MR VB GHARANIA, AGP for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/07/1999

ORAL JUDGEMENT

1. Heard learned counsel for the parties.

2. In both these Special Civil Applications

identical issues have been raised and the same are taken up together for hearing and are being disposed of by the common order.

3. In pursuance of the recommendations of the High Power Committee appointed by the Government, the Government vide its Resolution No.PGR-3097-75-M dated 20.11.1997 of the Finance Department has constituted pay anomaly committee to examine representations of pay anomaly and allied matters of the employees of the State Government.

4. Petitioners are originally appointed as Statistical Assistants on different dates in the Education Department, Government of Gujarat. Thereafter, some of them have been promoted to the next higher post. The pay-scale of Statistical Assistant came to be revised to Rs.425-700 as per the recommendations of the Desai Pay Commission w.e.f. 1.1.1973.

5. It is the grievance of the petitioner in these Special Civil Applications that the benefits of revised pay-scale were restricted only to the Statistical Assistants working in the Directorate of Economics and Statistics and Panchayat Department. The say of the petitioners are that they are similarly situated and are performing the same duties and they should have been given the benefit of this revised pay-scale also. That has not been done. Hence, these Special Civil Applications before this court.

6. The grievances of petitioners pertain to anomaly in the pay-scale which is given to them and what it has been given to the Statistical Assistants of Directorate of Economics and Statistics and Panchayat Department. Whether these two posts are identical and the persons holding them are similarly situated or performing the same duties etc. are primary facts, questions and grounds which are to be considered and if it is found to be correct then only claim of the petitioners can be accepted. For this the committee constituted is the best authority to decide the same. The committee has already been constituted and it is working. Petitioners may take up these matters before this committee by filing representation.

7. These writ petitions in view of these facts are not appropriate remedy at this stage.

8. In the result, both the Special Civil Applications are dismissed. Rule discharged. Interim

relief if any granted by this court stands vacated without any order to costs. However, petitioners are at liberty to file detail representation in respect of the grievances to the Committee constituted under the Government Resolution No.PGR-3097-75-M dated 20.11.1997 of the Finance Department. If such representation is filed the Committee may consider the same in accordance with law.

(S.K.Keshote,J.)

(pathan)